

### **REMARKS / ARGUMENTS**

The present application includes pending claims 1-30, all of which have been rejected. By this Amendment, claims 1, 10-11, 20-21, and 30 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1, 10-11, 20-21, and 30 have been objected to because of informalities. The Applicant has amended the objected to claims, as set forth above, and submits that the objection should now be withdrawn.

Claims 10, 20, and 30 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph. Claims 1-2, 8-12, 18-22, and 28-30 have been rejected under 35 U.S.C. § 102(b) as being anticipated by USP 6505043 ("Aihara"). Claims 3-6, 13-16, and 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aihara in view of USP 6108323 ("Gray"). Claims 7, 17, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aihara and Gray, further in view of USP 7092714 ("Noll").

The Applicant respectfully traverses these rejections at least based on the following remarks.

**I. Claim Rejections under 35 USC 112**

Claims 10, 20, and 30 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph. The Applicant has amended claims 10, 20, and 30, as set forth above, to overcome the 112 rejection. The Applicant respectfully submits that claims 10, 20, and 30 are allowable and the rejection under 35 USC 112, second paragraph should be withdrawn.

**REJECTION UNDER 35 U.S.C. § 102**

**II. Aihara Does Not Anticipate Claims 1-2, 8-12, 18-22, and 28-30**

The Applicant first turns to the rejection of claims 1-2, 8-12, 18-22, and 28-30 under 35 U.S.C. 102(b) as being anticipated by Aihara. With regard to the anticipation rejections under 102, MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

**A. Rejection of Independent Claims 1, 11, and 21**

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Aihara does not disclose or suggest at least the limitation of

"wherein said at least one of said plurality of access devices generates and maintains a handoff candidate list on its own without being prompted to do so by another access device," as recited by the Applicant in independent claim 1. The Office Action states the following:

With regard to claims 1,11,21, Aihara discloses coupling a first wireless access point (BTSs in cells) located in a first cell of the mesh network to at least a second wireless access point (BTSs in cells) located in a second cell of the mesh network (See Fig. 2); providing service initially to at least one of a plurality of access devices (mobile terminal) in the mesh network by said first wireless access point located in said first cell (first connecting base station) ("a mobile terminal connected to the first connecting base station", col. 2, line 30), wherein each of said at least one of said plurality of access devices generates and maintains a handoff candidate list on its own without being prompted to do so by another access device;

See the Office Action at page 5. Aihara discloses that when a hand-over request is issued, the mobile station 2a measures electric field intensities of electromagnetic waves transmitted from the base stations that are listed in the "neighbor list" stored in the storage unit 8 within the mobile station 2a (See Figs. 1-5 and col. 8, line 64 – col. 9, line 12 of Aihara). However, even though the "neighbor list" (which identifies base stations) is stored within the mobile station, the "neighbor list" is not generated and maintained by the mobile station. More specifically, Aihara discloses that the "neighbor list" is generated by the controlling station 3, which is then communicated to the mobile station 2a (see Figs. 1-5 and col. 2, lines 40-48; col. 2, line 66 – col. 3, line 21).

Therefore, the Applicant maintains that Aihara does not disclose or suggest at least the limitation of "wherein said at least one of said plurality of access devices

generates and maintains a handoff candidate list on its own without being prompted to do so by another access\_device,” as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Aihara and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

**B. Rejection of Dependent Claims 2, 8-10, 12, 18-20, 22, and 28-30**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by Aihara has been overcome and request that the rejection be withdrawn. Additionally, claims 2, 8-10, 12, 18-20, 22, and 28-30 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2, 8-10, 12, 18-20, 22, and 28-30.

**III. Rejection of Dependent Claims 3-6, 13-16, and 23-26**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by

Aihara has been overcome and request that the rejection be withdrawn. Additionally, since the additional cited reference (Gray) does not overcome the deficiencies of Aihara, claims 3-6, 13-16, and 23-26 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 3-6, 13-16, and 23-26.

#### **IV. Rejection of Dependent Claims 7, 17, and 27**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by Aihara has been overcome and request that the rejection be withdrawn. Additionally, since the additional cited references (Gray and Noll) do not overcome the deficiencies of Aihara, claims 7, 17, and 27 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 7, 17, and 27.

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: 24-FEB-2009

/Ognyan I. Beremski/  
Ognyan Beremski, Esq.  
Registration No. 51,458  
Attorney for Applicant

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
(312) 775-8000

/ OIB